

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BOB BRIGHTWELL,)	
)	
Plaintiff,)	Civil Action No. 03 - 205J
)	
vs.)	Judge Kim R. Gibson
)	Magistrate Judge Lisa Pupo Lenihan
JOSEPH LEHMAN, in his official capacity)	
as the Commissioner of Pennsylvania)	
Department of Corrections; RAYMOND J.)	
SOBINA, in his official capacity as)	
Superintendent of the State Correctional Institution)	
at Somerset; SYLVIA GIBSON, in her official)	
capacity as Deputy Superintendent for Centralized)	
Services of the State Correctional Institution at)	
Somerset; GERALD ROZUM, in his official)	
capacity as Acting Deputy Superintendent for)	
Facilities Management of the State Correctional)	
Institution at Somerset; DANIEL J. GEHLMANN,)	
in his official capacity as Major of Unit)	
Management of the State Correctional Institution)	
at Somerset; and LEO GLASS, in his official)	
capacity as Captain of Inmate Receiving)	
Committee (I.R.C.) of the State Correctional)	
Institution at Somerset,)	
)	
Defendants.)	

ORDER

AND NOW, this 13th day of December, 2006;

Because Defendants have filed a motions for summary judgment (Doc. Nos. 119 and 122) along with briefs in support thereof on November 30, 2006;

IT IS HEREBY ORDERED that plaintiff shall be allowed until January 22, 2007, to respond to defendants' motions for summary judgment. Plaintiff is advised that his response to the motions may include opposing or counteraffidavits (executed by the plaintiff or other

persons) which have either been sworn to under oath (notarized) or include at the end of the document, immediately before the plaintiff's signature, the following in accordance with 28 U.S.C. § 1746: "I declare under penalty of perjury that the foregoing is true and correct. Executed this _ day of _____, 20 ____.

IT IS FURTHER ORDERED that all affidavits, opposing or counteraffidavits must be based upon the personal knowledge of the person executing the affidavit; that no affidavit, amended complaint, pretrial narrative or other document containing plaintiff's allegations will be considered when determining the motion for summary judgment unless it has been notarized before a notary public or unless it contains a declaration under penalty of perjury as set forth above; that plaintiffs may attach to their affidavits copies of any depositions, answers to interrogatories, institutional records or other documents they wish this court to consider when addressing the summary judgment motion; and that the motion for summary judgment will be evaluated under the procedure standard set forth in Rule 56 of the Federal Rules of Civil Procedure; and that failure to respond may result in entry of judgment against them.

IT IS FURTHER ORDERED that plaintiff shall serve on counsel for defendant a copy of each pleading or other document submitted for consideration by the court and shall include with each document filed a certificate stating the date a true and correct copy of the pleading or document was mailed to each attorney. Any pleading or other document received by a district judge or magistrate judge which has not been filed with the Clerk or which fails to include a certificate of service shall be returned to the plaintiffs by the Clerk.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

s/Lisa Pupo Lenihan
LISA PUPO LENIHAN
U.S. Magistrate Judge

cc: Craig Campbell
435 Violet Drive
Lower Burrell, PA 15068

All counsel of record.